

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVOOD KHADEMI,

Petitioner,

v.

KELLY SANTORO, Warden,

Respondent.

No. 2:21-cv-0902 WBS KJN P

Court of Appeals No. 21-16474

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On December 8, 2021, petitioner filed a motion for certificate of appealability and motion for transcripts. As discussed below, petitioner's motions are denied.

On October 28, 2021, the undersigned dismissed this action without prejudice, and declined to issue a certificate of appealability referenced in 28 U.S.C. § 2253. Judgment was entered that same day.

Petitioner's motion for certificate of appealability sets forth no facts demonstrating that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right [or] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 U.S. 473, 484 (2000). Thus, the court again denies petitioner's motion.

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1 Because this case is closed, and the court must abstain under Younger v. Harris, 401 U.S.
2 37 (1971), petitioner's motion for transcripts is denied.


3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Petitioner's motion for a certificate of appealability (ECF No. 52) is denied; and

5 2. Petitioner's motion for transcripts (ECF No. 52) is denied.

6 3. The Clerk of this court is directed to transmit a copy of this Order to the Clerk of the
7 United States Court of Appeals for the Ninth Circuit for filing in that court.

8 Dated: January 27, 2022


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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